

If the Examiner has any questions or wishes to discuss this amendment, the Examiner is invited to telephone the undersigned representative at the number set forth below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: Feb. 26, 2002

By: 

Bradley C. Wright  
Registration No. 38,061

**U.S.P.T.O.**  
**Reg. No. 49,024**

11th Floor  
1001 G Street N.W.  
Washington, D.C. 20001  
(202) 508-9100

## APPENDIX

Marked up version showing changes made:

44. (Amended) The first computer of claim 43, wherein the selected path is ~~first computer~~  
~~avoids the step of avoiding selection of a path that is not operational.~~

55. (Amended) The method of claim ~~4~~54, wherein step (3) comprises the step of transmitting  
each of the plurality of data packets across a different path in a computer network.